

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

POWERHOUSE MARKS LLC,

Plaintiff,

v.

Case No. 04-73923
Honorable Patrick J. Duggan

CHI HSIN IMPEX, INC., COSTCO
WHOLESALE CORP., DICK'S SPORTING
GOODS, INC., DUNHAM'S ATHLEISURE CORP.,
MEIJER, INC., and WAL-MART STORES, INC.,

Defendants.

ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on January 4, 2006.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On this date, the Court has issued an Opinion addressing various motions filed by the parties. For the reasons set forth in that Opinion,

IT IS ORDERED, that plaintiff's motion for summary judgment of infringement and entry of permanent injunction is **DENIED**;

IT IS FURTHER ORDERED, that the motion for summary judgment on laches and equitable estoppel filed by all defendants, except Wal-Mart Stores, Inc., is **GRANTED IN PART AND DENIED IN PART** in that the Court denies the motion with respect to defendants Chi Hsin Impex, Inc., Costco Wholesale Corporation, and

Meijer, Inc., but grants the motion with respect to Dick's Sporting Goods, Inc. and Dunham's Athleisure Corporation;

IT IS FURTHER ORDERED, that Defendant Wal-Mart Stores Inc.'s motion for summary judgment regarding laches and equitable estoppel is **DENIED**;

IT IS FURTHER ORDERED, that plaintiff's cross-motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**, in that the Court denies plaintiff's request for summary judgment as to defendants' laches defense but grants plaintiff's request as to defendants' estoppel defense;

IT IS FURTHER ORDERED, that defendants' motions for summary judgment regarding limitation of damages based on the applicable statute of limitations are **DENIED**;

IT IS FURTHER ORDERED, that plaintiff's claims against Dick's Sporting Goods, Inc. and Dunham's Athleisure Corporation are **DISMISSED WITH PREJUDICE**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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